



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#7

In re application of:

Vic C. Knauf *et al.*

Appl. No.: 09/782,130

Filed: February 12, 2001

For: **Methods and Compositions for
Regulated Transcription and
Expression of Heterologous Genes**

Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 16518.052

**Petition for Revival of an Unintentionally Abandoned
Patent Application Under 37 C.F.R. § 1.137(b)**

Commissioner for Patents
Washington, D.C. 20231

Attn: Box DAC

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OFFICE OF PETITIONS

Sir:

Applicants hereby petition for revival of the above-captioned continuation application under 37 C.F.R. § 1.137(b). Authorization to charge the official fees for this petition is given in the accompanying transmittal letter. A duplicate copy of this petition is enclosed.

On February 12, 2001, the above-captioned continuation application was filed with a Revocation and Appointment of New Power of Attorney (Exhibit A) from parent application Serial No. 08/812,665 that directed official correspondence to be sent to Applicants' former representative, Rae-Venter Law Group, P.C. in Palo Alto, CA.

On November 28, 2001, a Revocation of Prior Power of Attorney, Appointment of New Attorneys of Record and Change of Correspondence Address ("Revocation and Appointment") (Exhibit B) was filed that appointed Applicants' current representative

(Arnold and Porter) and that directed all official correspondence to be sent to Arnold and

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Porter in Washington, D.C. A copy of a date-stamped postcard indicating receipt of the Revocation and Appointment on November 28, 2001, by the United States Patent and Trademark Office/Office of Initial Patent Examination is attached hereto as Exhibit C.

In the course of a status inquiry on August 15, 2002, the undersigned were informed by Ms. Stokes of the USPTO that the Revocation and Appointment that had been filed on November 28, 2001, had not been matched or entered into the application. On August 16, 2002, copies of these documents, originally filed on November 28, 2001, and a copy of the date stamped post card, were forwarded to Ms. Stokes for entry into the above-captioned application. In addition, our letter dated August 16, 2002, contained a request that a copy of all communications in the above-captioned matter since February 12, 2001, be forwarded to Applicants' representative, Arnold and Porter. (*See* Exhibit D).

Ms. Stokes forwarded to Applicants' representative David Marsh at Arnold and Porter, a Notice to File Corrected Application Papers (Exhibit E) having a mailing date of May 11, 2001, which had been mailed to Rae-Venter Law Group. Applicants were unaware of the outstanding notice.

On August 19, 2002, a Notice Regarding Power of Attorney was mailed to Applicants' representative Arnold and Porter accepting the Revocation and Appointment filed on November 28, 2001 (Exhibit F).

On August 21, 2002, a Notice of Abandonment (Exhibit G) was mailed to Applicants' representative Arnold and Porter stating that the application is held abandoned for failure to respond to the Notice to File Missing Parts mailed on May 11, 2001. It was not until receipt

of the Notice of Abandonment that Applicants became aware of the United States Patent and Trademark Office's abandonment of this Application.

In light of the above, Applicants assert that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional and respectfully request that the application be revived.

Furthermore, Applicants respectfully submit the accompanying Response to Notice to File Corrected Application Papers and associated documents.

Applicants do not believe any fees other than the petition fee are required; however, should any other fees be deemed necessary, Applicants hereby authorize the Commissioner to charge any fee deficiency and/or credit any overpayment to our Deposit Account No. 50-2387, referencing matter no. 16518.052.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Holly 1 Prutz".

Holly Logue Prutz (Reg. No. 47,755)
June E. Cohan (Reg. No. 43,741)

Date: October 22, 2002

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